

**Agricultural Marketing Service, USDA**

**§ 51.2559**

| Inches       | Millimeters |
|--------------|-------------|
| 5/64 .....   | 1.98        |
| 18/100 ..... | .46         |
| 1/4 .....    | 6.35        |
| 39/64 .....  | 11.88       |
| Ounces       | Grams       |
| 1 .....      | 28.35       |
| 2 .....      | 56.70       |

[68 FR 50685, Aug. 22, 2003]

**Subpart—United States Standards for Grades of Shelled Pistachio Nuts**

SOURCE: 55 FR 28747, July 13, 1990, unless otherwise noted.

**§ 51.2555 General.**

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to raw, roasted, salted or salted/roasted pistachio kernels.

[55 FR 28747, July 13, 1990, as amended at 68 FR 50685, Aug. 22, 2003]

**§ 51.2556 Grades.**

(a) “U.S. Fancy,” “U.S. Extra No. 1,” and “U.S. No. 1” consist of pistachio kernels which meet the following requirements:

(1) Well dried, or very well dried when specified in connection with the grade.

(2) Free from:

(i) Foreign material, including in-shell nuts, shells, or shell fragments.

(3) Free from damage by:

- (i) Immature kernels;
- (ii) Kernel spotting; and
- (iii) Other defects.

(4) Free from serious damage by:

- (i) Mold;
- (ii) Minor insect or vertebrate injury;
- (iii) Insect damage;
- (iv) Rancidity;
- (v) Decay; and,
- (vi) Other defects.

(5) Unless otherwise specified, kernels shall meet the size classification of Jumbo Whole Kernels (See § 51.2559).

(b) [Reserved]

[68 FR 50685, Aug. 22, 2003]

**§ 51.2557 Tolerances.**

(a) In order to allow for variations incident to proper grading and handling, the tolerances, by weight, in Table I are provided.

**TABLE 1—TOLERANCES**

| Factor (tolerances by weight)  | U.S. fancy (percent) | U.S. extra No. 1 (percent) | U.S. No. 1 (percent) |
|--|----------------------|----------------------------|----------------------|
| (a) Damage .....   | 2.0                  | 2.5                        | 3.0                  |
| (b) Serious Damage (Minor Insect or Vertebrate Injury, Mold, Rancid, Decay) .. | 1.5                  | 2.0                        | 2.5                  |
| (1) Insect Damage, included in (b) .....                                       | .3                   | .4                         | .5                   |
| (c) Foreign Material   | .03                  | .05                        | .1                   |

[55 FR 28747, July 13, 1990; 55 FR 29938, July 23, 1990, as amended at 68 FR 50685, Aug. 22, 2003; 69 FR 76835, Dec. 23, 2004]

**§ 51.2558 Application of tolerances.**

The tolerances for the grades apply to the entire lot and shall be based on a composite sample representative of the lot. Any container or group of containers which have kernels obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

**§ 51.2559 Size classifications.**

(a) The size of pistachio kernels may be specified in connection with the grade in accordance with one of the following size classifications.

(1) Jumbo Whole Kernels: 80 percent or more by weight shall be whole kernels and not more than 5 percent of the total sample shall pass through a 24/64 inch round hole screen with not more than 1 percent passing through a 16/64 inch round hole screen.

(2) Large Whole Kernels: 80 percent or more, by weight, shall be whole kernels and not more than 2 percent of the total sample shall pass through a 16/64 inch round hole screen.